IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6435 of 2007()

[CRIME NO.230/2007 OF FEROKE POLICE STATION]

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: PETITIONER/2ND ACCUSED

YOUSAF, ALIKKAPARAMBIL,
AMMINIKKAD P.O., PERINTHALMANNA,
MALAPPURAM.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, FEROKE POLICE
STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6435 of 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. The petitioner is the 2nd accused. He faces allegations in a crime registered for offences punishable, inter alia, under Section 376 I.P.C. The 1st accused is none other than the husband of the defacto complainant. The petitioner is the employer of the 1st accused. The defacto complainant was allegedly forced to lead a life of prostitution during the period 2001 to 2006. The petitioner had culpable responsibility for pushing her into such a life. He had allegedly raped her also as permitted and colluded by her own husband(1st accused). Investigation is in progress. The defacto complainant, who was allegedly forced to lead such a life of prosecution for the period 2001 to 2006, had chosen to lodge a complaint ultimately only in 2007.

2. The learned counsel for the petitioner submits that the allegations are totally false. No reasonable prudent person can swallow these allegations. It is evident that because of some strain in the relationship between the defacto complainant and her husband, such reckless allegations are now being raised against the petitioner. I have already adverted to facts in detail while considering the

application for anticipatory bail of a co-accused as per order dated 10.10.2007 in B.A.No.6185 of 2007.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that anticipatory bail can be granted to the petitioner herein also on identical terms.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 30.10.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 31.10.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 30.10.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 30.10.07.

(R.BASANT, JUDGE)

rtr/-